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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,484	11/14/2003	Marc Schlosser	SCHMPA103	9208
7590 08/23/2005			EXAMINER	
Robert M. Downey ROBERT M. DOWNEY, P.A. Suite 300 601 South Federal Highway Boca Raton, FL 33432			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/713,484

Applicant(s)

SCHLOSSER, MARC

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-27 and 32-37 is/are allowed.
- 6) ☒ Claim(s) 28 and 31 is/are rejected.
- 7) ☒ Claim(s) 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

2.

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 31 is rejected under 35 U.S.C. 102(e) as being anticipated by Levy (6,637,907).

4. Levy discloses a top cover and a bottom cover (52,54,56), said top and bottom covers each including an inner face, and said top and bottom covers hinged together along a common binding for allowing movement of said top and bottom covers between an open position, wherein said inner faces of said top and bottom covers are visibly exposed( figs 4-5), and a closed position wherein said top cover is positioned in overlying relation to said bottom cover to conceal said inner faces(inherent) ; said inner face of said bottom cover being structured and disposed for holding a sheet substrate thereon(16); a light emitting source for illuminating the sheet substrate and including a backlight within said bottom cover(58,60, fig 4, 5) said backlight being structured and disposed for directing light outwardly from said inner face of said bottom cover and

through the sheet substrate held thereon, to thereby enhance visibility of indicia on said sheet substrate.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levy (6,637,907) and further in view of Galiani (5,471,347).

Levy discloses the claimed invention except for the recitation of the transparent sheet being disposed and structured for magnifying images viewed there through. Levy discloses at least one cover panel having a top side and bottom side (24), the top side being structured and disposed for placement of a sheet substrate (16) thereon (figs 4-5); a light emitting source (28, 30,58) for directing light onto said sheet substrate (fig 1); said light emitting source directing light outwardly therefrom and through the sheet substrate placed thereon and a transparent sheet structured and placed on the substrate for viewing images on the substrate (18, col. 1 lines 54-64). Galani discloses a magnifier container for printed matter comprising at least one cover panel, a sheet with printed material and a transparent sheet structured and disposed for magnifying images viewed there through including images on said printed sheet (figs 6-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

substitute the transparent sheet of Levy with the magnifying transparent sheet of Galiani for the purpose of providing Levy with a magnifying means that aids the user in reading printed matter held underneath the transparent sheet.

***Response to Arguments***

3. Applicant's arguments, filed 06/20/05, with respect to claim 21 have been fully considered and are persuasive.

***Allowable Subject Matter***

4. Claims 21-27,32-37 are allowed.
5. Claim 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited of record, in combination, does not teach a plurality of signal lamps disposed to be visible when the top and bottom covers are in a closed position, at least one signaling lamp which is clearly identifiable and distinguishable from the light emitting source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMT

Anabel M Ton  
Examiner  
Art Unit 2875



JOHN ANTHONY WARD  
PRIMARY EXAMINER